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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 500 of 2003

Petitioner:		Nathu Mahanand, aged about 25 years, S/o Bhau Mahanand by Caste Gada, resident of Village Ghtiyapani, Post-Hathibahara, Tehsil and District-Mahasamund, Ex Panchayat Karmi and Secretary Gram Panchayat – Hathibahara, District-Mahasamund (C.G.)
	Versus	
Respondents:	1.	State of Chhattisgarh, Through Secretary Department of Panchayat Ministry of Panchayat and Rural Development, Secretariat at Raipur.
	2.	The Collector, Mahasamund.
	3.	The Sub Divisional Officer, Revenue, Mahasamund
	4.	The Chief Executive Officer, Janpad Panchayat Bagbahara, District-Mahasamund (C.G.)
	5.	The Gram Panchayat, Hathibahara, Block Bagbahara, District-Mahasamund (C.G.)

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Hemant Kesharwani, Counsel for the petitioner.

Shri Shailendra Shukla, Counsel for the Respondent No. 4.

Shri Pankaj Shrivastava, Panel Lawyer for the Respondent/State.

ORAL ORDER

(17th January, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner was appointed as Panchayat Karmi on 20.11.1995. Thereafter according to the petitioner he was appointed as Panchayat Secretary, though the petitioner has not filed any document indicating that the petitioner was appointed as

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Panchayat Secretary. The petitioner has filed this petition on the ground that the petitioner's service was removed by order dated 4.03.2002 (Annexure P-5) without giving show cause notice and without holding proper enquiry as contemplated under Rule 7 of Madhya Pradesh Panchayat Services (Discipline and Appeal) Rules, 1999.

2. The respondents had filed their reply. In the reply, annexed as Annexure R-1, is the letter addressed to Sarpanch, Gram Panchayat, Hathibahara, by Chief Executive Officer, Janpad Panchayat, Bagbahara, which clearly states that on enquiry it was found that the petitioner had committed several irregularities and the enquiry report is annexed to the return, wherein the petitioner had admitted his irregularities committed by him.

3. Learned counsel appearing for the petitioner categorically denies that he has made any admission in the enquiry report. He further submits that no enquiry was held and he was not given any notice. The petition involves disputed question of facts which cannot be decided in this petition under Article 226/227 of the Constitution of India. However the petitioner is granted liberty to take appropriate remedy, if so, advised.

4. Accordingly the petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Arun